APPENDIX A

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CV-N-03-0102-HDM (VPC)

IN RE:

JOHN K. ELLIS, an individual,

Debtor.

Filed March 24, 2003

The motion of John Ellis for leave to appeal the interlocutory order of the Bankruptcy Court entered January 30, 2003 is denied. The court is not persuaded that granting the interlocutory appeal is in the interest of judicial economy or will advance the ultimate termination of litigation. Therefore, the motion...is denied.

It is so ORDERED.

APPENDIX B

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

No. 03-15593

In re: JOHN K. ELLIS,

Debtor.

ROBERT B. METZ,

Plaintiff,

v.

AMERICAN LIBERTY INVESTMENTS INC., et al.,

Defendants.

JOHN K. ELLIS,

Appellant,

v.

ROBERT B. METZ,

Appellee.

Before: RYMER, THOMAS and SILVERMAN, Circuit Judges

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the order challenged in the appeal is not final or appealable. *See* 28 U.S.C. §158(d); *In re S. S. Retail Stores*, 162 F.3d 1230, 1232 (9th Cir. 1998)(an appeal of an interlocutory order of the bankruptcy court is not appealable).

Consequently, this appeal is dismissed for lack of jurisdiction.

All pending motions are denied as moot.

APPENDIX C

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

No. 03-15593

In re: JOHN K. ELLIS,

Debtor.

ROBERT B. METZ,

Plaintiff,

v.

AMERICAN LIBERTY INVESTMENTS INC., et al.,

Defendants.

JOHN K. ELLIS,

Appellant,

v.

ROBERT B. METZ,

Appellee.

Before: RYMER, THOMAS and SILVERMAN, Circuit Judges

Appellant's petition for rehearing en banc, construed as a motion for reconsideration en banc of this court's June 16, 2003 order dismissing this appeal for lack of jurisdiction, is denied on behalf of the full court. *See* Gen. Ord. 6.11. The district court has not certified its interlocutory order for appeal pursuant to 28 U.S.C. §1292(b).

No further motions for reconsideration, rehearing, modification, clarification, stay of the mandate or any other submissions shall be filed or entertained in this closed docket.

APPENDIX D

28 U.S.C. §158

Appeals

(a) The district courts of the United States shall have jurisdiction to hear appeals

(1) from final judgments, orders, and decrees;

...

(3) with leave of the court, from other interlocutory orders and decrees;

and, with leave of the court, from interlocutory orders and decrees, of bankruptcy judges entered in cases and proceedings referred to the bankruptcy judges under section 157 of this title...

...

(d) The courts of appeals shall have jurisdiction of appeals from all final decisions, judgments, orders, and decrees entered under subsections (a) and (b) of this section.

28 U.S.C. §1291

Final decisions of district courts

The courts of appeals...shall have jurisdiction of appeals from all final decisions of the district courts of the United States,...except where a direct review may be had in the Supreme Court....

28 U.S.C. §1292(b)

Interlocutory decisions

(b) When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opnion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order. The Court of Appeals which would have jurisdiction of an appeal of such action may thereupon, in its discretion, permit an appeal to be taken from such order,...